

## **IC 15-5-14**

### **Chapter 14. Livestock Brands**

#### **IC 15-5-14-1**

##### **Definitions**

Sec. 1. As used in this chapter:

"Board" refers to the Indiana state board of animal health established by IC 15-2.1-3-1.

"Brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board. Such brands shall be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the animal. No brand, except those for livestock disease control purposes, may be applied to the head or neck area.

"Livestock" means:

- (1) all cattle or animals of the bovine species;
- (2) all horses, mules, burros, and asses or animals of the equine species;
- (3) all swine or animals of the porcine species; and
- (4) all goats or animals of the caprine species.

"Person" includes any individual, firm, association, partnership, corporation, other legal entity, public or private institution, the state of Indiana, or municipal corporation or political subdivision of the state.  
*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.2.*

#### **IC 15-5-14-2**

##### **Adoption of brands**

Sec. 2. A person owning livestock within Indiana may adopt a brand for his exclusive use in this state. No person may brand or cause to be branded any livestock with a brand that is of legal record in the office of the board, unless that brand has been certified by the board for that person's exclusive use.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.3.*

#### **IC 15-5-14-3**

##### **Recording of brands**

Sec. 3. The board shall record livestock brands. The board shall carry out the terms and provisions of this chapter and for that purpose may make rules to implement this chapter.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.4.*

#### **IC 15-5-14-4**

##### **Application for recording of brand**

Sec. 4. (a) An owner of livestock in this state desiring to adopt for his exclusive use any brand shall, before doing so, forward to the board an application on a form approved and provided by the board for that

purpose.

(b) For the purpose of this chapter, the post office address included in the application shall be considered the legal address of the applicant. Until the board receives from the applicant, in writing, a notice of change of address, the latest address of record with the board shall remain the legal address.

(c) If the brand is accepted, the board shall file the brand in the official brand book, furnish the applicant a brand certificate, and inform the applicant that he has, from the date of filing, exclusive right to the use of such brand in Indiana.

(d) Additional brand certificates of a recorded brand may be obtained from the board upon the payment of a fee to be established by the board under section 14 of this chapter.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.5.*

### **IC 15-5-14-5**

#### **One brand for each owner; separate livestock operations; identical or similar brands; restrictions on use of brands**

Sec. 5. (a) Only one (1) brand may be awarded or recorded for each owner of livestock, but the owner or owners of separate and distinct livestock operations may, at the discretion of the board, record one (1) brand for use at each such distinct and separate livestock operation.

(b) No brand may be recorded or used which:

- (1) is identical with or, in the opinion of the board, is so similar to any brand previously recorded and remaining of legal record;  
or
- (2) if an abandoned brand, has not been abandoned for five (5) years;

so as to be liable to cause confusion as to the identity or ownership of livestock.

(c) If the board determines that the submitted brand is already on record for another person or that it so closely resembles a previously registered brand that the brands cannot be readily distinguished, the board shall notify the applicant and shall return the facsimile brand and recording fee. In case of duplications, applications bearing the earliest postmark will be accepted.

(d) The board shall adjust conflicting stock brands and make changes as may be necessary. Changes made by the board are conclusive, and brands the board indicates may be recalled or adjusted at any time by means of written notice from the board given to the owner of the brand.

(e) No brand may be recorded in the state elsewhere than in the office of the board.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.6.*

### **IC 15-5-14-6**

#### **Evidentiary effect of certificates of recordation**

Sec. 6. All certificates of recordation or rerecordation of brands furnished by the board are prima facie evidence of the ownership of all

livestock of the kind or kinds bearing the brand or brands specified and as set forth in the record, and the certificates are evidence of ownership in all law suits or in any criminal proceedings, when the title to livestock in this state is to be proved. Upon request, disputes in ownership or custody of branded livestock shall be investigated by state or county law enforcement officials.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.7.*

#### **IC 15-5-14-7**

##### **Ownership of brands**

Sec. 7. A recorded brand is the personal property of the person in whose name it is filed and is subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale, assignment, or transfer of a brand shall be forwarded to the board to be recorded in the official brand book. The fee for such a transaction shall be determined by the board. As soon as the transaction has been recorded, the board shall furnish the new owner with a brand certificate.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.8.*

#### **IC 15-5-14-8**

##### **Determination of renewal date**

Sec. 8. (a) By January 1 of each fifth year following the original recording with the board, each owner of a brand of record shall submit to the board a renewal fee to be established by the board.

(b) For the purpose of determining the renewal date, the period between the date a brand is recorded by the board and January 1 of the next year constitutes the first year of the five (5) year period.

(c) If the owner of a brand of record fails, refuses, or neglects to pay the fee by June 30 of the year in which it is due, the brand shall be forfeited and no longer carried in the record. A forfeited brand may not be issued to another person for a period of five (5) years following the date of forfeiture. During that five (5) year period, the former owner of record may make application to the commission for reinstatement of a forfeited brand. Such an application shall be accompanied by a reinstatement fee established by the board. The renewal date for a reinstatement brand shall remain the same, and renewal fees on such brands shall be due on January 1 of each fifth year following original recording.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.9.*

#### **IC 15-5-14-9**

##### **Use of unrecorded brand**

Sec. 9. Use of unrecorded brand. (a) Except as otherwise provided for in this section, no person may use any brand for identifying livestock, unless the brand has been recorded as provided for in this chapter. When a recorded brand is applied to livestock which may have been branded by a previous owner, such brand must be applied so as

not to overlap, obliterate, disfigure, or mutilate the existing brand or brands.

(b) Brands consisting of arabic numerals only may be used for individual livestock identification if they are located at least ten (10) inches away from any recorded brand. Such brands for individual identification are not to be recorded.

*As added by Acts 1977, P.L.175, SEC.1.*

#### **IC 15-5-14-10**

##### **Publication of recorded brands**

Sec. 10. The board shall publish all recorded brands in book form and shall publish supplemental lists at least once each year. This book and all supplements shall contain a facsimile of all brands recorded together with the owner's name and legal mailing address. The board shall, without charge, furnish copies of the brand book and supplements to state and county law enforcement agencies within the state. The general public may obtain copies by remitting to the board the cost of printing and mailing each book and accompanying supplements.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.10.*

#### **IC 15-5-14-11**

##### **Reported livestock thefts**

Sec. 11. The board, in cooperation with law enforcement officials in this and other states, shall develop a uniform procedure for notifying livestock markets and livestock slaughtering establishments of reported livestock thefts.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.11.*

#### **IC 15-5-14-12**

##### **Sale and transportation of livestock**

Sec. 12. Sale and transportation of livestock. (a) All persons selling livestock branded with their brand recorded in a current state brand book or supplement thereto shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of livestock sold, a description of each animal sold as to sex and kind, and all registered brands. A copy of the bill of sale shall be given to each hauler of livestock, other than railroads, and must accompany the shipment of livestock while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any law enforcement or peace officer. The bill of sale is prima facie evidence of the conveyance of title of the livestock described by the bill of sale.

(b) Persons engaged in the business of transporting or hauling livestock in the state shall, upon receiving such livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by them, and such waybill or bill of lading shall accompany the shipment of livestock with a copy thereof being furnished to the person delivering livestock to the hauler. The waybill

or bill of lading shall show the place of origin and destination of the shipment, the name of the owner of the livestock, date and time of loading, name of person or company hauling the livestock, the number of livestock and a general description thereof, including the identifying brands. The waybill or bill of lading shall be signed by the person delivering the livestock to the hauler certifying that the information contained thereon is correct.

*As added by Acts 1977, P.L.175, SEC.1.*

### **IC 15-5-14-13**

#### **Charges for recording and rerecording of brands**

Sec. 13. (a) The board may establish and collect up to thirty-five dollars (\$35) for each brand recording and fair and reasonable charges related to the cost of administering a brand recordation program for:

- (1) the rerecording of brands;
- (2) the recording of instruments transferring ownership of brands;
- and
- (3) certificates of recordation or rerecordation of brands.

(b) The money received by the board shall be deposited in the brand registration fund. The brand registration fund is a nonbudgetary fund, and the money remaining in the brand registration fund at the end of a fiscal year does not revert to the state general fund. The board may disburse money from the brand registration fund for the purpose of defraying the administrative costs of implementing this chapter.

*As added by Acts 1977, P.L.175, SEC.1. Amended by P.L.164-1985, SEC.12.*

### **IC 15-5-14-14**

#### **Offenses; forgery included**

Sec. 14. (a) A person who, without permission of the owner, applies a brand to livestock for the purpose of transferring ownership of that livestock commits a Class C felony.

(b) A person who knowingly destroys or alters a brand recorded with the board from any livestock for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(c) A person who knowingly sells or offers for sale livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(d) A person who knowingly purchases livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(e) A livestock brand constitutes a written instrument for purposes of IC 35-43-5.

*As added by Acts 1977, P.L.175, SEC.1. Amended by Acts 1978, P.L.2, SEC.1545; P.L.164-1985, SEC.13.*